

United States Court of Appeals For the First Circuit

No. 02-1938

UNITED STATES OF AMERICA,

Appellee,

v.

JOHN B. STEWART,

Defendant, Appellant.

Before

Lynch, Circuit Judge,
Coffin and Porfilio,¹ Senior Circuit Judges.

ERRATA

The opinion of the court issued on July 29, 2003, is amended as follows:

On page 8, line 7: delete "has the obligation" and substitute "should"

On page 8, line 8: delete "to"

On page 8, line 14: insert the following footnote after "cause."

Although we urge full disclosure of all non-trivial information available to law enforcement, this does not alter the longstanding materiality test for a Franks hearing. An evidentiary hearing is required only if the defendant is able to show that alleged misstatements or omissions are material to the probable cause determination.

¹Of the Tenth Circuit, sitting by designation.